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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,839	09/04/2001	Helge Reymann	3286-0169P	4404

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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O.BOX 8910  
RESTON, VA 20195

[REDACTED] EXAMINER

CHEN, BRETT P

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

1762

8

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-8

<b>Office Action Summary</b>	Application No. <b>09/914,839</b>	Applicant(s) <b>Helge Reymann</b>
	Examiner <b>Bret Chen</b>	Art Unit <b>1762</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on \_\_\_\_\_
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-43 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some\* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
  - a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6-7
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

Art Unit: 1762

## **DETAILED ACTION**

Claims 1-43 are pending in this application, which is a 371 of PCT/EP00/01301. The preliminary amendment dated 9/4/01 has been entered.

### *Specification*

1. The amendment filed 9/4/01 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

On p.1 line 11, the addition of the word “preferably” is deemed new matter as there is no support for such a limitation in the specification as originally filed. The same issue applies to p.3 line 3; p.4 lines 20 and 22; p.12 lines 19 and 29; p.13 lines 7 and 13; p.14 line 18; p.18 line 1.

On p.3 line 6, the addition of the word “relatively” is deemed new matter. The same issue applies to the abstract line 8.

On p.12 line 19, the addition of the word “exemplary” is deemed new matter. The same issue applies to p.14 lines 7-8, 11, 18.

On p.14 line 10, the addition of the word “about” is deemed new matter. The same issue applies to p.14 lines 19, 23; p.18 lines 2, 10-11, 14.

On p.15 line 20, the addition of the word “nearly” is deemed new matter. The same issue applies to p.15 lines 21, 23, 27; p.16 line 2.

Art Unit: 1762

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

2. Claims 1-43 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 1 line 9, the word “relatively” is deemed new matter. The same issue applies to claim 33

In claim 6 line 2, the term “nearly” is deemed new matter.

3. Claims 1-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 9, the term “relatively higher” is a relative term which renders the claim indefinite. The term is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The same issue applies to claim 33.

In claim 9, the term “vacuum-tight manner” is vague and indefinite as to what said term means. The same issue applies to claims 11-12, 19, 36-39.

Art Unit: 1762

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson et al. (4,933,239) or Rose et al. (5,482,578).** Olson discloses a method of forming a protective coating system for metal substrates including gas turbine engine components (col.1 lines 5-9) wherein the protective coating is a diffusion aluminide coating which contains yttrium, silicon, and hafnium and has good oxidation resistance (col.3 lines 44-50). Specifically, the material can be a NiCoCrAlY material (col.4 line 66). The process can include a pack cementation process in which a subsequent heat treatment step is applied (col.6 line 18 - col.7 line 43). The heat treatment step can be at 1975°F for four hours as noted in col.8 lines 8-10. A vacuum is utilized (col.7 line 17).

Rose discloses a diffusion coating process for depositing a platinum group metal onto a gas turbine blade followed by a heating step in vacuo (2 line 62 - col.3 line 12). The platinum group metal can contain chromium, aluminum (col.2 lines 15-53). However, the references fail to specifically teach a vacuum plant.

Art Unit: 1762

It is noted that the references clearly teach the use of a vacuum. One skilled in the art would realize that a vacuum can be achieved in any appropriate container. It would have been obvious to utilize a vacuum plant because the references teach the benefit of utilizing a vacuum plant and there would have been an expectation of obtaining the same benefits.

In claims 2-8, the applicant requires a specific temperature, transferring procedures, and materials. It would have been obvious to one having ordinary skill in the art to have determined the optimum value of a cause effective variable through routine experimentation in the absence of a showing of criticality.

In claims 9-16, the applicant claims a specific apparatus. It is noted that both reference teach the use of a coating chamber and a postheat chamber. However, the references fail to teach a vacuum plant. This issue has been addressed above.

The limitations of claims 17-43 have been addressed above.

Foster (5,824,205), Alperine et al. (4,962,005), Nazmy et al. (4,627,896), and Vontell et al. (4,680,199) have been provided for additional information.

Art Unit: 1762

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bret Chen whose telephone number is (703) 308-3809. The examiner can normally be reached on Monday through Friday from 10:00 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck, can be reached on (703) 308-2333. The fax phone number for this Group is (703) 872-9310. Amendment After Finals should be faxed to (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

bc  
March 4, 2003

  
BRET CHEN  
PRIMARY EXAMINER